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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 WAYMO LLC,  
20 Plaintiff,  
21 v.  
22 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
23 Defendants.  
24

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC., OTTOMOTTO  
LLC AND OTTO TRUCKING LLC'S  
PROPOSED DEPOSITION SCHEDULE  
IN RESPONSE TO THE COURT'S JUNE  
14, 2017 ORDER**

Ctrm: 8, 19th Floor  
Judge: The Honorable William Alsup

Trial Date: October 10, 2017

1 This submission responds to this Court's Order Dkt. No. 622, dated June 14, 2017, in  
2 which the Court directed the parties to meet and confer and develop a schedule under which all  
3 depositions will be completed before the August 24, 2017 fact discovery cutoff. The parties have  
4 met and conferred with the assistance of the special master, but have not been able to agree on a  
5 proposed schedule.

6 Defendants Uber Technologies, Inc., Ottomotto LLC (collectively, "Uber"), and Otto  
7 Trucking LLC (collectively, "Defendants") hereby submit the following proposed schedule,  
8 which will allow for the completion of all depositions within the fact discovery period and the  
9 prompt resolution of any disputes that might delay the deposition schedule. In making this  
10 submission, Defendants note that any symmetrical schedule necessarily disadvantages Defendants  
11 because while Waymo LLC ("Waymo") has received very substantial discovery from Uber,  
12 Waymo is withholding much of the discovery to which Defendants are entitled and upon which  
13 Defendants would rely in deposition. Uber is concerned about prejudice to its defense.  
14 Defendants nonetheless are proposing a symmetrical deposition schedule, which Defendants hope  
15 will demonstrate that Defendants are acting in good faith and seeking to move discovery forward;  
16 Defendants hope Waymo will do the same.

17 Defendants propose the following schedule:

18 1. By **June 23**, the parties shall notice at least six of their party depositions and issue  
19 subpoenas for at least three of their non-party depositions. The depositions do not have to be  
20 noticed for a specific time frame based on the date the notice or subpoena is issued.

21 2. By **June 30**, or a later date agreed upon by the parties, Waymo shall take its last  
22 expedited deposition.

23 3. By **July 5**, the parties shall notice at least six of their party depositions and issue  
24 subpoenas for at least four of their non-party depositions.

25 4. By **July 24**, any party seeking additional depositions beyond those allotted by the  
26 Court must raise the issue with all parties and the Special Master. Any depositions granted must  
27 be noticed (or subpoenas issued) within two days of the decision granting those depositions.

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1           5.       The parties will make good faith efforts to schedule depositions of witnesses  
2 Waymo contends are likely to have information regarding Defendants' alleged use of Waymo's  
3 trade secrets on or before **July 31**, provided that those depositions are reasonable in number and  
4 Waymo provides reasonable advance notice.

5           6.       By **August 7**, the parties shall notice their remaining party depositions and issue  
6 any remaining deposition subpoenas.

7           7.       The parties should set dates for non-expedited party depositions within three days  
8 after the deposition notice is served or notice of the requested deposition is otherwise given, in  
9 accordance with Paragraph 9, below. The date scheduled should be within seven days of the  
10 noticed date.

11          8.       If the responding party objects to a noticed deposition, the party will raise those  
12 objections within one day of receipt of the deposition notice. The parties will meet and confer  
13 with the assistance of the Special Master concerning any objections. If the parties are unable to  
14 resolve their dispute within three days of the deposition notice, the Special Master will set a  
15 briefing schedule and page limits for the dispute.

16          9.       A formal deposition notice is not required for party depositions. Any party may  
17 notice a party deposition by email to opposing counsel identifying the deponent, a proposed date,  
18 and a proposed location.

19          10.      This schedule assumes the parties will notice a reasonable number of depositions  
20 proportional to the needs of the case within the scheduled time frame. Any party may seek relief  
21 should other parties notice an unreasonably large number of depositions and/or depositions that  
22 are not material to this case.

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1 Dated: June 21, 2017

BOIES SCHILLER FLEXNER LLP

2 By: /s/ Karen L. Dunn

3 KAREN L. DUNN

4 Attorneys for Defendants  
5 UBER TECHNOLOGIES, INC.  
6 and OTTOMOTTO LLC

7 Dated: June 21, 2017

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8 By: /s/ Shane Brun

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**ATTESTATION OF E-FILED SIGNATURE**

23 I, Karen L. Dunn, am the ECF User whose ID and password are being used to file this  
24 document. In compliance with General Order 45, X.B., I hereby attest that Shane Brun has  
25 concurred in this filing.

26 Dated: June 21, 2017

27 /s/ Karen L. Dunn

28 Karen L. Dunn